

REMARKS

The Office Action rejects claims 22-26 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office Action asserts that the Wang declaration, submitted by Applicant on October 17, 2003, is not persuasive in overcoming this rejection.

According to the Office Action, the Wang declaration states that the sub-supernatants were re-tested, but does not make it clear whether the sub-supernatants are produced from the same original hybridoma clone or different clones, or if they recognize different epitopes on the sperm surface. The Office Action states that if they all recognize the same epitope, they are the same antibody.

Applicant respectfully disagrees with the Office Action's assertions. First, Applicant notes that the derivation of the sub-supernatants described in the Wang affidavit from different hybridoma clones would be clear to one skilled in the art. Each of the hybridoma supernatants listed on page 2 of the affidavit (1B3, 1F5, 2D4, 2E8, 3C7, and 4E7) was derived from a different hybridoma. The sub-supernatants referred to by the Office Action were each derived from one of these supernatants. The correlation between each sub-supernatant and a particular supernatant is shown at pages 2-3 of the affidavit. Thus, the affidavit makes it clear that each sub-supernatant was derived from a different hybridoma.

Second, Applicant notes it is immaterial whether the antibodies disclosed in the Wang affidavit recognized the same or different epitopes on the sperm cell surface. The present invention merely requires that the antibody bind to the surface of the sperm cell, not to a particular epitope.


Finally, it is well established in the art that two different monoclonal antibodies with very different amino acid sequences may be capable of binding the same epitope.

However, to advance the prosecution of the present application, Applicant has provided a written assurance attached herein to assure that an acceptable deposit will be perfected on or before the date of payment of issue fee.

In view of the foregoing, claims 22-26 are in condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,
Perkins Coie LLP

Date: 09/09/2004



James J. Zhu, Ph.D.
Registration No. 52,396

Correspondence Address:

Customer No. 34055
Perkins Coie LLP
P.O.Box 1208
Seattle, WA 98111-1208
Telephone: (310) 788-9900
Facsimile: (310) 788-3399